

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF FLAGSTAFF

Agreement No. \_\_\_\_\_

Project No. M-902-0(1)

PARTIES

THIS AGREEMENT, entered into this 21<sup>st</sup> day of February, 1980, pursuant to Arizona Revised Statutes Section 11-951 through 11-954, as amended, by and between the State of Arizona, acting by and through the Arizona Department of Transportation, hereinafter called "State" and the City of Flagstaff, hereinafter called "City".

STATUTORY AUTHORIZATION

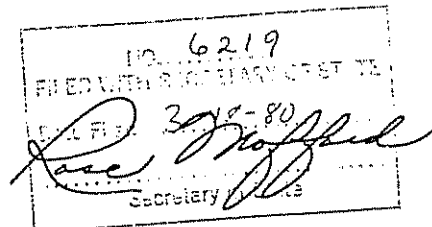
WHEREAS, State is empowered by Arizona Revised Statutes Section 28-103 to enter into this Agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned his authorization to execute this Agreement on behalf of the State, and

WHEREAS, City is empowered by Arizona Revised Statutes Section 9-672 and by Article 1, Section 3, of the Charter of the City of Flagstaff to enter into this Agreement and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of City, and

PURPOSE

WHEREAS, City desires to obtain Federal-Aid participation in the cost of construction of a proposed highway and railroad overpass structure, and

WHEREAS, City wishes State's assistance in all phases of acquisition of additional right of way, except condemnation proceedings, to fulfill the many Federal-Aid mandates associated with acquiring real property.



THEREFORE, in consideration of the covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

METHOD

State shall:

1. Obtain title reports on all parcels to be acquired.
2. Perform all necessary drafting of right of way plans.
3. Use its appraisers to determine "fair market value" for acquisition of needed right of way.
4. Use its right of way agents to acquire the appraised land.
5. Use its right of way agents to provide assistance in relocating property owners who are displaced by acquisition of needed right of way.
6. Not be obligated to incur any expenditure in excess of the amount of City's deposit unless and until so authorized in writing by City and additional funds are deposited with State.
7. Return any part of the sum deposited by City remaining after all costs have been deducted.

City shall:

1. Bear all costs State will incur in the performance of this agreement.
2. Deposit with State the sum of Ten Thousand (\$10,000.00) Dollars from which State shall pay the progressive costs of the work herein provided for. As such payment is made by State, City shall replace the amount of each payment so that the amount on deposit shall remain Ten Thousand (\$10,000) Dollars as long as the costs of the uncompleted work herein provided for may reasonably exceed that sum.
3. Upon completion of construction, provide for, at its own cost and as an annual item in its budget, proper maintenance.

DURATION AND TERMINATION

THIS AGREEMENT, except the provisions herein for maintenance, which shall be perpetual, shall terminate upon completion of the work herein embraced in accordance with the terms of this Agreement or may

be terminated at any time prior to the awarding of the construction contract by either party upon thirty (30) days written notice of that intent. All parties are hereby put on notice that this agreement is subject to cancellation by the Governor of Arizona, pursuant to Arizona Revised Statutes Section 38-511.

FILING WITH SECRETARY OF STATE

This contractual agreement shall be filed with the Arizona Secretary of State and shall become effective upon filing.

AUTHORIZING RESOLUTION,

ATTORNEY GENERAL'S APPROVAL AND CITY ATTORNEY'S APPROVAL

Attached hereto is an authenticated copy of the resolution of the Director of the Department of Transportation, authorizing the Arizona Department of Transportation to enter into this Agreement, a copy of the written determination of the Attorney General that this Agreement is in proper form and within the powers and authority granted to the State of Arizona under the laws of this State, and a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CITY OF FLAGSTAFF

BY: Robert L. Moody

STATE OF ARIZONA, Acting by and  
through its Department of  
Transportation

By: WA [Signature]

EXHIBIT "A"

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of an extract of the Minutes of the Flagstaff City Council Meeting, held February 19, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 6th day of March, 1980.

Linda Butler  
CITY CLERK

(SEAL)

RESOLUTION

BE IT RESOLVED on this 10 day of December, 19 79, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that, pursuant to Arizona Revised Statutes 28-108, it is in the best interest of the State of Arizona for the Department of Transportation, acting by and through its Highways Division, to enter into an Intergovernmental Agreement with the City of Flagstaff for the construction of an overpass structure and approaches across U.S. Highway 66 and the Santa Fe Railroad.

THEREFORE, authorization is hereby given to draft said agreement, which, upon completion, shall be submitted for approval and execution.

A handwritten signature in dark ink, appearing to read "W A Ordway", is written over a horizontal line.

W. A. Ordway, Director  
Arizona Department of Transportation



OFFICE OF THE  
**Attorney General**

1801 WEST JEFFERSON STREET  
FOURTH FLOOR  
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN  
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. 80-195, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

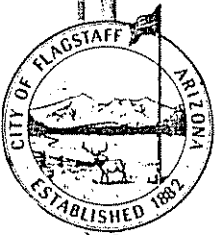
No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 14<sup>th</sup> day of March, 1980.

ROBERT K. CORBIN  
Attorney General

A handwritten signature in cursive script, appearing to read "James R. Redgate".

Assistant Attorney General  
Transportation Division



# City of Flagstaff

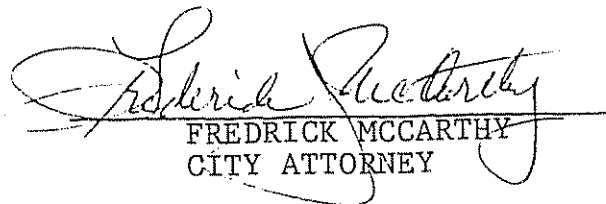
P O Box 1208  
Flagstaff, Arizona 86002  
602-774-5281

## STATEMENT OF ATTORNEY FOR CITY TO FLAGSTAFF

In accordance with A.R.S. §9-672 and by Article 1, Section 3, of the Charter of the City of Flagstaff, we have examined the intergovernmental agreement between the City of Flagstaff and the State of Arizona for the Butler Avenue T.I.-U.S. 66, Project M-902-1(1) and have made the following determinations:

1. The City of Flagstaff (sponsor) is authorized under the laws of the State to enter into an intergovernmental agreement.
2. The agreement is proper in form.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of February, 1980.

  
FREDRICK MCCARTHY  
CITY ATTORNEY

mae

# CITY OF FLAGSTAF

MINUTES 2/19/80

Page 11

## Proposed Interagency Agreement with ADOT for Their Efforts in the Right-of-Way Acquisition:

Councilman Robinson moved to approve the proposed agreement with ADOT and authorize the Mayor to sign on behalf of the City. The motion was seconded by Councilman Holst, which unanimously carried.

LIQUOR LICENSES: None.

## PURCHASE ORDERS:

Employee Service Award Pins - Entenmann-Rovin Company - \$1,883.25:

A motion was made by Councilman Babbitt and seconded by Councilman Lee that the Purchase Order be approved. The motion unanimously carried.

Department of Interior U.S.G.S. - \$2,000.00:

It was moved by Councilman Babbitt and seconded by Councilman Holst that the Purchase Order be approved. The motion unanimously carried.

CHANGE ORDERS: None.

## OTHER BUSINESS:

### Vacancies on the Airport Commission:

Councilman Robinson moved to reappoint Joe Troxler, John Kirkpatrick and Michael Flournoy to six year terms, and accept the Airport Commission's recommendation for the appointment of John Vosskuhler to replace Dr. Kahle for a six year term. Councilman Lee seconded the motion. The motion unanimously carried.

### Historic Sites Commission:

Councilman Irby moved to appoint Clare McCracken and George Tyson to the Historic Sites Commission to fill vacant terms. The motion was seconded by Councilman Robinson, which unanimously carried.

Request from the Fire Department for an Additional \$7,500 to Complete Station No. 3:

Councilman Babbitt moved that funds in the amount of \$7,500 be transferred from the contingency fund to the budget of the Fire Department for completion of Station No. 3. The motion was seconded by Councilman Robinson. The motion unanimously carried.

### Request to Approve the Federal Aid Urban System Proposed by the City Staff:

It was moved by Councilman Robinson and seconded by Councilman Irby that the Council approve the update on the Federal Aid Urban System as prepared by the Engineering Department.

Councilman Holst felt this should be incorporated in its entirety into our traffic circulation element, together with any roads that look like they might be necessary for future potential second accesses to Cheshire and the like. We have not been paying attention to our planned road system.

The motion unanimously carried.



440  
JED  
m

*to be filed*

May 5, 1982

*Sum  
5/7/82*

RECEIVED  
MAY 06 1982  
RIGHT OF WAY SECTION  
A.D.O.T.

Mr. Richard J. Perry  
City Engineer  
City of Flagstaff  
120 North Beaver  
Flagstaff, Arizona 86001

Re: Project No. M 902-0-801, AFE 00586  
~~Enterprise Overpass~~; Right of Way

Dear Mr. Perry: BUTLER AVE T.I.

In accordance with the Intergovernmental Agreement between the City of Flagstaff and the Arizona Department of Transportation, please remit \$10,000.00 for deposit to the above mentioned account.

Please refer to the above Project Number and AFE when making your remittance and direct your deposit to the Arizona Department of Transportation, Federal Aid & Receivables Services, 206 S. 17th Avenue, 211B, Phoenix, Arizona 85007.

Should you have any questions in regard to this deposit please direct your correspondence to the address mentioned or call (602) 261-7666.

Your prompt attention in this matter shall be greatly appreciated.

Sincerely,

VICKI SWITZER  
Accountant I  
Federal Aid & Receivables Services

VS/aa

cc: Right of Way

RECEIVED

MAY 7 1982

CONDEMNATION

*To be filed*

May 5, 1982

*Sum  
5/7/82*

440  
JD  
PW

RECEIVED  
MAY 06 1982  
RIGHT OF WAY SECTION  
A.D.O.T.

Mr. Richard J. Perry  
City Engineer  
City of Flagstaff  
120 North Beaver  
Flagstaff, Arizona 86001

Re: Project No. M 902-0-801, AFE 00586  
~~Enterprise Overpass~~; Right of Way  
*BUTLER AVE. T.I.*

Dear Mr. Perry:

In accordance with the Intergovernmental Agreement between the City of Flagstaff and the Arizona Department of Transportation, please remit \$10,000.00 for deposit to the above mentioned account.

Please refer to the above Project Number and AFE when making your remittance and direct your deposit to the Arizona Department of Transportation, Federal Aid & Receivables Services, 206 S. 17th Avenue, 211B, Phoenix, Arizona 85007.

Should you have any questions in regard to this deposit please direct your correspondence to the address mentioned or call (602) 261-7666.

Your prompt attention in this matter shall be greatly appreciated.

Sincerely,

VICKI SWITZER  
Accountant I  
Federal Aid & Receivables Services

VS/aa

cc:

*Right of Way*

RECEIVED

MAY 7 1982

CONDEMNATION

19